

Pragati

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The Indian
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Review



Hot Turkey

The return of the Ottoman?

NAGALAND: RECESSION OF SECESSION
THE CYBER SECURITY THREAT
LINKING WITH JAPANESE SCHOOLS
BALLISTIC MISSILE TEST SEQUENCE
HIGHER EDUCATION REFORM BILLS

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The return of the Ottoman

Turkey's new trajectory of power

geopolitics

On 31 May, 2010, an Israeli raid on ships of the Gaza Freedom Flotilla, organised by the Free Gaza Movement and Turkey's İnsan Hak ve Hurriyetleri ve İnsani Yardım Vakfı (IHH), resulted in the deaths of eight Turkish citizens. In the incident's aftermath, Turkey's Prime Minister Recep Tayyip Erdogan recalled his country's ambassador to Israel, vowed to review bilateral ties and accused Israel of "state terrorism." With this incident, Israel's relations with Turkey, which had been teetering on the precipice, plummeted to a new low.

When the Justice and Development Party (AKP) swept into power in Turkey in 2003, many commentators saw this as a victory for social (read Islamic) conservatism over the secular-nationalistic Kemalist ideologies of the Republican People's Party (CHP). Since the AKP's ascent into power, Turkey's domestic and international policies have undergone a transformation. Tensions between Turkey and the United States have mounted, primarily over Kurdish terror camps in Iraq and over the 1915 genocide of Armenians perpetrated by the Ottoman military. More recently, Turkey, along with Brazil, brokered a deal with Iran over the nuclear impasse, which infuriated the United States. Turkey's relations with Israel have conspicuously worsened. Mr Erdogan famously clashed with Shimon Peres, Israel's president, at the World Economic Forum in Davos, Switzerland, where he called Israel's military operations in Gaza a "crime against humanity" before storming out of the debate.

Turkey's gradual transformation has led to concerns of the emergence of a Turkey that is "Looking East," attempting to break the shackles of its "junior

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membership” in the congress of the West and take its place as a leader in the Muslim world. This requires a realignment of Turkey’s identity and national interests, and, consequently, a renouncement of the Kemalist principles that have guided Turkey since its birth. Credit for Turkey’s new reorientation is being attributed to Foreign Minister Ahmet Davutoglu, an academic and a AKP-outsider. Known as the “Kissinger of Turkey”, Mr Davutoglu has worked to transform what was a once status-quoist foreign policy to one that seeks to place Turkey at the centre of the Muslim world. In his seminal book “Strategic Depth”, Mr Davutoglu argues that a country’s value in world politics is predicated on its geo-strategic location and historic depth. Turkey was uniquely endowed with both, through its control of the Bosphorus straits and as a successor of the Ottoman Empire. [See Page 5 for a review of Mr Davutoglu’s book]

Mr Davutoglu’s “neo-Ottomanism” seeks to leverage these advantages to promote a vision of Turkey as a Muslim superpower. Already within the Islamic world, there are indications Turkey’s leadership has popular support. A recent article in the Arabic *al-Madina* newspaper argued that Turkey’s position and relationship with non-Arab countries could be effective in championing the causes of the Muslim world. Similarly, in Pakistan’s *Roznama Ausaf*, Sarfaraz Syed applauded Turkey for being the only country to stand up to Israel and decried Pakistan’s inaction, despite it being the only nuclear power of the Muslim world. Despite these voices of support though, not all Muslim countries will welcome Turkey’s ascendancy. Saudi Arabia, while being in no position to go against the grain on Turkey at the moment, will be loathe to allow another power—and that too, a non-Arab Muslim power—to expand its influence into what it believes is its sphere of influence.

Further, there are caveats to Turkey’s Look East policy. First, notwithstanding its desire for clout in the Muslim world, Turkey continues to seek economic integration with the European Union. In fact, the AKP did more to pursue Turkey’s EU membership than any other past government. Second, the domestic political landscape will provide some insurance against the sort of radicalisation that some in the West fear might grip Turkey. This is likely to be achieved primarily through the country’s pro-secular armed forces, whose worsening relations with the AKP may force unilateral action against the government (as was the case in the the failed 2004 *coup d’etat*). This radicalisation, if it is indeed the AKP’s goal, can be further restrained if the CHP regains credibility as an effective opposition. Under the leadership of Kemal Kilicdaroglu, whose charisma and humility have earned him the sobriquet “Gandhi Kemal”,

the CHP could mount an effective challenge to the AKP.

Turkey’s strategic reorientation is also significant to countries outside its region. Two aspects of Turkey’s rising profile stand out for India—regional stability and energy security. On regional stability, Turkey historically has had close cultural, ideological and military ties with Pakistan. It has provided arms, equipment and training to the Pakistani armed forces. Turkey came to Islamabad’s assistance during the latter’s 1965 war with India and provided it with significant quantities of ammunition. A member of the Organisation of the Islamic Conference (OIC), Turkey routinely supports Pakistan’s narrative, endorsing a plebiscite and voicing concern over “the use of force against the Kashmiri people.” The exclusion of India from the Istanbul Summit on Afghanistan at the insistence of Pakistan, also underscores the leverage Pakistan enjoys in Ankara.

However, while differences exist between India and Turkey, they need not be entirely irreconcilable, or hinder the promotion of closer economic and cultural ties. As two rapidly growing developing economies, the potential for enhanced economic co-operation between India and Turkey is significant. Indeed, during his visit to New Delhi in November 2008, Mr Erdogan expressed his commitment to upgrade economic ties with India, and pushed strongly for a Free Trade Agreement (FTA) and a Comprehensive Economic Partnership Agreement (CEPA). Turkey’s strategic location will allow it to play a significant role in India’s quest for energy security. India has already expressed interest in the MedStream pipeline project, which alleviates the security risks inherent in the Iran-Pakistan-India (IPI) pipeline or alternative models traversing the Straits of Hormuz. However, the project’s feasibility is largely contingent on stable relations between Turkey and Israel.

In the neo-Ottamanist worldview, Turkey seeks to cultivate strategic partnerships with multiple nations and leverage its location and history to emerge as a regional power. From an Indian standpoint, it is important to recognise that Ankara will continue to maintain close ties with Islamabad, and it is likely that perception differences with India on Kashmir, Pakistan and Afghanistan will continue to exist. These differences, in and of themselves, should not hinder the prospects enhancing relations with Turkey, where mutually beneficial. If anything, the promise and potential of energy trade between India and Turkey should serve as a opportunity for India to slowly, but surely, change the narrative on issues pertaining to its regional security in Turkey. ■

A Turkish concept of strategic depth

Ahmet Davutoglu, architect of power

review essay



Photo: Travel Aficionado

The recent activism of Turkish foreign policy under the leadership of Prime Minister Recep Tayyip Erdogan and the ruling Justice and Development Party (AKP) has caused political waves throughout Europe, the Middle East, and the West. In attempting to decipher Turkey's foreign policy trajectory, serious attention has focused for some time on Professor Ahmet Davutoglu, for good reason. Davutoglu has served as Prime Minister Erdogan's chief foreign policy advisor since 2002, and the enormous respect he commands within the AKP has made him perhaps the most important architect of contemporary Turkish foreign policy. This status was affirmed in May 2009, when Davutoglu ascended to the post of Foreign Minister in Erdogan's cabinet.

Yet Davutoglu remains something of an enigma in the West. Given his status as a former professor of international relations, Davutoglu's ideas about the world—and Turkey's place in it—are comparatively well known in Turkish academic circles. But they have rarely been examined more broadly, in part because there is no English-language translation for his seminal 2001 book, *Strategik Derinlik, Turkiye'nin Uluslararası Konumu* (Strategic Depth, Turkey's International Position). This is a critical shortcoming, for

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the ideas contained therein provide the foundation for a large portion of the foreign policy agenda now being put into play by Davutoglu himself.

Strategic Depth argues that a nation's value in world politics is predicated on its geo-strategic location and historical depth. Following this logic, Davutoglu explains, Turkey is uniquely endowed both because of its geographic location, particularly its control of the Bosphorus, as well as its historical legacy as heir to the Ottoman Empire. While traditional measures of Turkey's national power tend to overlook the cultural links fostered by a shared common history, Davutoglu emphasises Turkey's connections to the Balkans, the Middle East, and even Central Asia. In the same vein, Davutoglu argues that Turkey is the natural heir to the Ottoman Empire that once unified the Muslim world and therefore has the potential to become a "Muslim super power."

**Strategik Derinlik,
Türkiye'nin Uluslararası Konumu
(Strategic Depth,
Turkey's International Position)
by Ahmet Davutoglu
Kure Yayinlari, 2001, 584 pages**

Davutoglu neither seeks to sever all ties with Turkey's pre-republican past, nor rejects all things Ottoman.

Accordingly, Turkey is not simply an "ordinary nation-state" that emerged at a certain point due to political circumstance or the designs of the outside powers—like, for example, many new states in Central Europe in the aftermath of the First World War. Rather, Turkey is a regional power in its own right, having strong traditions of statehood and broad strategic outreach. Thus, Davutoglu concludes, "It has no chance to be peripheral, it is not a sideline country of the EU, NATO or Asia."

To the contrary, Davutoglu—and by extension the AKP—contends that Turkey is a centrally positioned international player. "Turkey is a country with a close land basin," he writes, "the epicentre of the Balkans, the Middle East and the Caucasus, the centre of Eurasia in general and is in the middle of the Rimland belt cutting across the Mediterranean to the Pacific" [emphasis added]. Such geo-strategic vision reflects the newly-acquired self-confidence on the part of the

AKP, which is supportive of a more proactive foreign policy—particularly in what it calls the Ottoman geo-political space—and highly critical of Turkey's traditional Cold War reluctance to embrace its obvious historical and geographical advantages.

The implications are practical. "Strategic depth," as applied by Davutoglu, seeks to counterbalance Turkey's dependencies on the West by courting multiple alliances to maintain the balance of power in its region. Its basic premise is that Turkey should not be dependent upon any one actor, and should actively seek ways to balance its relationships and alliances so that it can maintain optimal independence and leverage on the global and regional stage.

This new reading of Turkey's history is practical. It neither seeks to sever all ties with Turkey's pre-republican past, nor rejects all things Ottoman. The appeal of this interpretation has allowed Davutoglu to work with many nationalists and ardent secularists within the Turkish state who actively seek to embrace both Turkey's Ottoman past and former geo-political space. In this sense, the proposed strategic outlook is not merely national but regional; it replaces Turkey's perception of being on the periphery of international affairs to an acceptance of its central role in important historical developments.

Of course, the specific policy implications of *Strategic Depth* depend heavily upon interpretation and emphasis. The broad strokes of contemporary Turkish foreign policymaking, however, are clearly visible. Turkey's most recent interest in cultivating warmer relationships with formerly estranged neighbours such as Russia and Iran while simultaneously building inroads with China and India may have caught Washington by surprise, but are all part of making Turkey a central player in the global arena. Closer to home, there is a renewed interest in re-engaging Turkey's former Ottoman space, both in the Balkans and in the Middle East. And Turkey's engagement with Syria and Iraq has followed at a breakneck speed that draws directly on the region's cultural and historic ties as extrapolated on by Davutoglu and now being implemented by his foreign ministry.

Taking this line of reasoning further, it follows

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Triangular distribution

The dynamics of US-China-India relations

geopolitics

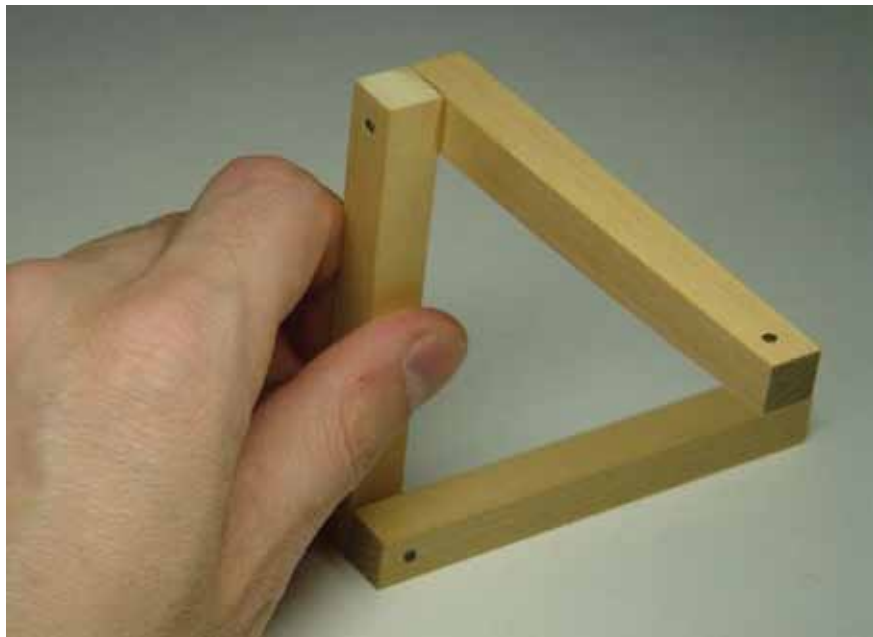


Photo: Yui Kubo

There is widespread agreement that the defining strategic triangle of the twenty-first century will be the one involving the United States, China and India. The three most populous countries, they also represent three of the four biggest economies in terms of purchasing power, and boast three of the world's largest militaries. For some commentators and analysts, the emergence of this dominant triangle is not a foregone conclusion. They point to Russia's resurgence, the rise of Brazil and Indonesia, Japan's hypothetical "normalisation", and greater European integration as factors that might upset calculations regarding the geopolitical future, based as they are on extensions of current trend lines. Questions also remain about the long-term structural stability and viability of the United States, China and India, although each is naturally of a different character. But even for those who buy into a future in which the United States, China and India loom large, there remain questions about the nature of their evolving triangular relationship. Will it be roughly equilateral, isosceles or irregular? Just as importantly, will it be primarily co-operative or competitive?

A three-sided problem

The past two months have been busy ones for all three constituent bilateral

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relationships. In May, the United States and China conducted their second Strategic and Economic Dialogue (S&ED), a forum that brought virtually every senior US official having dealings with China to Beijing. Yet for all the hoopla surrounding it, the end product was underwhelming, a fact US officials readily acknowledge. At one level, Washington and Beijing appeared to be returning the relationship to a semblance of civility after several months of diplomatic sniping. China agreed to support further sanctions on Iran, and backed up their word with their vote at the UN Security Council on June 9. President Hu Jintao also indicated a willingness to reconsider revaluing the renminbi. But while subsequent moves have been made to float the currency, US officials remain sceptical about China's long-term willingness to co-operate in this regard.

It would therefore be inaccurate to say that mutual suspicion has substantially decreased, let alone dissipated. The Chinese leadership remained

How will the three states reconcile their political instincts with their material interests?

extremely protective of Pyongyang following revelations that the South Korean corvette *Cheonan* was sunk by a North Korean torpedo. Beijing has advocated the sale of civilian nuclear reactors to Pakistan in violation of its prior non-proliferation commitments. And the People's Liberation Army has continued to strike a hard line, with General Ma Xiaotian, deputy chief of the general staff, publicly blaming the United States for the absence of military trust and co-operation between the two states.

Only weeks after the S&ED, the United States held its Strategic Dialogue with India. While President Barack Obama's decision to attend a reception at the State Department in honour of External Affairs Minister SM Krishna received the bulk of public and media attention, the dialogue also witnessed a clear—and very public—repudiation of some of the criticisms of Washington's handling of relations with India, in the form of a speech by William Burns, undersecretary of state. Mr Burns made it clear that

India was indeed important for the United States, and would remain a significant priority as a partner in Asia and beyond.

However, while some of the conversations—particularly pertaining to Afghanistan—appeared to have gone well during the Dialogue, the security and defence side still seemed underdeveloped. There were also no indications that the two sides had found a central organising framework for the relationship, one that might fill the vacuum left by the India-US nuclear deal. This gives the impression—perhaps unfairly—of the relationship being on steady auto-pilot.

The role of domestic politics is often overlooked as an aspect shaping bilateral relations between India and the United States. After November, there is a high likelihood of their being two Indian-American state governors in the United States, both Republican—a factor that will no doubt register with the president's closest political advisors. Considering the growing financial clout and political activism of the Indian-American community, it would be little surprise if the administration steps up its efforts to engage India over the coming two years. Nevertheless, a central organising framework that renders substantive benefits to both sides will still need to be identified.

Finally, there is the China-India relationship, one that has witnessed turbulent ups and downs over the past years in a similar, if sharper, manner to those between China and the United States. In terms of economic and cultural ties, China-India relations appear to be on a positive track. Trade continues to boom between the two growing economies, capital flows are gradually increasing, and Indian culture is making significant inroads into China for perhaps the first time. But political differences remain with regard to Tibet—which China considers a “core interest”—and by extension (as Beijing sees it) Arunachal Pradesh. Indian commentators continue to be fixated on Chinese expansionism on the Asian continent and in the Indian Ocean, but they overlook insecurities China continues to harbour with regards to India's greater potential for qualitative military-technological improvement. India, after all, unlike China, is not subject to an arms embargo by the leading providers of military technology. Another dimension of competition, over resources, is also often cast incorrectly, with parallels readily drawn between the activities of China's state-owned enterprises and Indian private-sector corporations, which often act independently of their government's guiding hand.

What next?

The developments of the past few months represent, at best, tactical repositioning by Washington, Beijing and New Delhi. As such, these events may not impact the long-term triangular relationship. Nevertheless, several questions can legitimately be raised regarding how the three countries, and their various interactions with one another, might shape the geopolitical landscape.

First, as the economies and societies become increasingly intertwined, how will the three states reconcile their political instincts with their material interests? China's leaders state repeatedly that a peaceful and harmonious world order is in their country's interests. But at the same time, China has yet to completely shed the trappings of a revisionist power that is intent on replacing American unipolarity with bipolarity and, eventually, Chinese hegemony.

Second, as China's ambitions grow along with its wealth, to what degree will Washington and New

Delhi accommodate it? In a related vein, how much with China's behaviour shape the United States' outlook towards India? The Bush administration made little secret of the fact that it intended a strong India to provide balance to a rising China, even if not in conventional balance of power terms. The gradual realisation that India is the only Asian power willing to resist Chinese expansionism, Japan and South Korea included, may make this a lasting policy fixture among future occupants of the White House.

Finally, while the broad contours of the US-China and China-India relationships can be predicted safely as involving some level of both engagement and hedging, what kind of ties will the United States choose to forge with India? This issue has received considerable attention in a purely bilateral context by the wider strategic communities in both countries, but has yet to be thought of fully in a strategic sense, that is, in relation to other powers. ■

A Turkish concept of strategic depth: Continued from Page 6

that Turkey will strive to take on a larger role as a champion of its former Middle Eastern colonies—which might welcome Turkey's "return" to the Middle East with particular focus on healing intra-Arab and Sunni rivalries. A nuanced reading of this same line of reasoning also indicates a Turkey that is willing to take on greater responsibility for regional stability in not just the Middle East, but also in the Balkans and the Caucasus. Part of this paradigm shift is the resolution of historic differences with Armenia

Turkey's religious identity figures here as well. *Strategic Depth* emphasises Turkey's potential role within the Muslim world, given that Istanbul was the last seat of the Caliphate. Davutoglu outlines the logic of using this latent leverage to engage Central Asia by offering an economic model of development through Turkish businesses, construction, education, and NGOs while also reaching out to Afghanistan and Pakistan.

While helping Turkey capture its place as a "Muslim super power," as Davutoglu advocates, may be a bridge too far, stronger connections with places as far away as Malaysia and Indonesia does have tangible benefits for Ankara, allowing it to speak authoritatively on behalf of the Muslim world in the G-20 and at the UN Security Council.

Turkey's new self-awareness as a regional power coincides with a new administration in Washington. Rather than simply being able to rely on Turkey to be an instrument of U.S. power in its region, the Obama Administration is now facing a stronger and more assertive government in Ankara that can and will disagree on key foreign policy issues, ranging from Iran's nuclear program to Israel's Gaza offensive. Davutoglu's *Strategic Depth* provides an important template for understanding how the current government in Turkey sees these issues, and its own place in the world. ■

Partnerships are made by bureaucracies

The unfinished job of transforming US-India relations



Photo: Aquaview

NIKOLAS K GVOSDEV

For the last decade, presidents and prime ministers have routinely declared that India and the United States are “natural allies.” Gallons of ink have been spilled touting the many advantages that would accrue from a closer relationship between Washington and New Delhi. The civil nuclear agreement concluded after years of patient diplomacy and navigation of the bureaucratic channels in both capitals was supposed to usher in a new era.

But why has the reality fallen short of the promise? Most commentators acknowledge that there has been an improvement in ties but the fact remains that there remain significant gaps between both sides on a number of issues. For all the talk about an emerging alliance between the world’s oldest and largest democracies, there is nothing that suggests that a “special relationship” is likely to develop anytime soon. The transformation of US-India relations has stalled.

When asked about the culprits slowing down the rapprochement between India and the United States, former deputy national security advisor Robert Blackwill noted that there was “a constant struggle with two entrenched forces in the bureaucracy of the US government” that hampered change. He identified the non-proliferation “ayatollahs” whose stance towards India was conditioned largely by the non-proliferation policies pursued by the United States in the 1980s and 1990s, and the “hyphenators”—those who viewed India through the

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prism of US relations with Pakistan. Daniel Twining, senior fellow for Asia at the German Marshall Fund of the United States, who served at the State Department's Policy Planning Staff during the Bush administration, likewise identifies a "Pakistan-centric" bureaucracy as a continuing obstacle. This is especially problematic, both at the State Department and at the Pentagon, where there are powerful constituencies which argue that moving closer to India complicates US efforts to achieve its objectives in the region. In particular, those who believe that success in Afghanistan is only possible through close co-operation with Pakistan worry that any tilt towards New Delhi would doom the Afghan mission. Active bureaucratic resistance to engineering a major shift in US policy is a factor—but not the only one.

Often overlooked is an increasingly ossified and sclerotic national security policymaking process in Washington that is slow to respond to changing world developments. Andrew Stigler, a colleague of the author in the National Security Decision Making department of the Naval War College, likes to comment: "Inertia is often a governing force." Bureaucracies are locked into policies that have become standard operating procedures; presidents and their advisors discover that making significant policy changes disturbs important stakeholders; any new administration can only pay attention to a limited number of issues. One of the defining characteristics of US national security policy is the extent to which Cold War institutions and policies remain in place. So while there might be continued active resistance to the vision of a US-India special relationship mounted by a rear guard in the bureaucracy, an even bigger obstacle is the lack of bureaucratic frameworks to nurture ties. When pundits speculate about a possible "quartet"—the United States, Japan, Australia and India—to foster peace and security in the Indian and Pacific ocean basins, Washington has established treaty relations with Tokyo and Canberra to fall back upon, and a series of regular interactions with these two designated "major non-NATO allies" of the United States. With India, however, there is no existing template for action which impedes closer military cooperation. A slow and cumbersome review process prevents liberalisation of US export controls, as a result, promising areas of co-operation, particularly in the nuclear and space sectors, is stymied by continued onerous restrictions on the sale of US high technology goods to India.

The Bush administration (in turn, building on some of the work initiated by the Clinton administration) knocked the US-India relationship out of some of the

ruts into which it was defined but did not complete the construction of the necessary bureaucratic architecture for sustaining a new relationship. In part, this is because the US national security apparatus has never been able to define and operationalise the concept of a "partner" as a mid-way point between a traditional Cold War-era "ally" (not a feasible status for an India whose geopolitical and economic interests are not fully in alignment with Washington's) and being a friendly, non-hostile state. Even the possible threat of a rising China is not really a basis for a post-Cold War alliance between the two states. Would India commit to assisting the United States in defending Taiwan from an assault from the mainland? Would Washington work to contain the expansion of Chinese power in southern and western Asia?

With a country that is not defined as an ally, however, it is still quite difficult to set up effective mechanisms for

The US has never been able to operationalise the concept of a "partner" as a mid-way point between an "ally" and a friendly, non-hostile state.

intelligence-sharing, joint military operations, and effective collaboration in high-technology areas—the things that can build trust and confidence between the two bureaucracies over time. There is no "partnership" version of America's bureaucratic box of the NATO/non-NATO major ally status as of yet—the designation of a country as a "close partner" of the United States that would clear away the bureaucratic hurdles that still inhibit the development of a closer US-India relationship.

The Obama administration could define—and Congress could ratify—which sets of benefits that current major non-NATO allies enjoy could also be extended to countries that would be bureaucratically classed as "close partners": these could include full participation in a number of counter-terrorism initiatives, an expedited export control process for space technology, and invitations to

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Zeros, ones and attackers

India must gear up to the cyber warfare challenge

SRIJITH K NAIR

The last decade or so has seen an enormous increase in the reach and power of the internet. From the early ARPANet days of 1960s, the system of interconnected military machines have evolved into a sophisticated, powerful and complicated infrastructure that have already made lasting impact on every aspect of human society. It has not only made the world a smaller place but also made it a “flatter” one.

However, the open nature of internet makes it vulnerable to attacks and exploits aimed at not only denying access to services, but also at manipulating information, so as to derail processes that rely on efficient gathering and dissemination of that information. The attacks have evolved from innocent pranks, to anarchic destruction, to organised crime, and have now found their way into core doctrines of the evolving concepts of cyber warfare and information warfare.

India's interests in cyberspace have been the subject of constant attacks. Some reports estimate that an average of fifty Indian sites are attacked every day. The 2010 State Enterprise Security Study conducted by Symantec, an internet security software manufacturer, revealed that 66 percent of Indian enterprises experienced some form of internet-based attacks last year. While the majority of these incidents may have involved the defacement of inadequately protected websites, some of these attacks have gone beyond that.

In April 2010, the Information Warfare Monitor and the Shadowserver Foundation released a report titled *Shadows in the Cloud* that presented the results of an eight-month research study of a China-based computer

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espionage ring. One of the major findings of the report was that computers belonging to the higher echelons of the Indian government, including that of the National Security Council Secretariat and Indian embassies in Kabul, Moscow and Dubai, United Arab Emirates, and at the High Commission of India in Abuja, Nigeria had been compromised and sensitive data exfiltrated from them. Also compromised were computers used by one of the army's mountain brigades in Assam, the Military Engineer Services in Calcutta, Bangalore, Jalandhar and Bengdubi, and three air force bases. Documents the investigators were able to confirm as exfiltrated out of victim machines included those classified as "Secret," "Restricted" and "Confidential."

The publication of the report came at an awkward time for the government since, earlier in March, Sachin Pilot, minister of state for communications, had claimed that government networks had been attacked by China, but that "not one attempt has been successful." The report's findings countered Mr Pilot's contention. Since then, no further statements have been issued by New Delhi after the researchers informed Indian authorities of the nature of the documents that were recovered and asked how the sensitive documents might be disposed off.

In fact, the government has been tight-lipped about the whole incident after the extent of the cyber-espionage was brought to light. Except for a remark by the defence minister calling upon the armed forces to be prepared to counter cyber attacks, no more information has been forthcoming. The government needs to clarify the extent of the intrusion that the China-based attackers have been able to achieve and acknowledge the existence and scope of the risks posed by cyber threats. An in-depth analysis of the factors leading to the infiltration of sensitive government networks must be carried out by competent authorities. Weaknesses in the system, be it personnel, institutional or procedural need to be identified and rectified. The government must re-assess the capabilities of the organisations like Defence Information Warfare Agency, National Technical Research Organisation and National Informatics Centre to protect India's interests—civilian, governmental and military—from cyber attacks.

The government must raise the international exposure given to the event and in the process take the matter up with Beijing, along the lines of what US Secretary of State Hillary Clinton has done regarding

suspected attacks on and theft of intellectual property from US companies. China must be pressed to crack down on possible 'non-state actors' responsible for the cyber attack on Indian targets. While it is not easy to attribute the attacks to specific institutions or individuals, it has been shown that most of the attacks trace back to machines in China.

It needs to be impressed upon them, and other nations, that state or non-state cyber attacks against Indian networks and systems will no longer be tolerated. This has to be done as a part of a more comprehensive and enunciated discussion on the rules of engagement for cyber attacks against Indian interests and a re-examination of associated capabilities of cyber deterrence and the apparent "for defence only" approach towards India's cyberwar capabilities. As the prospects of cyber war is discussed and strategies formulated by other nations—in particular the United

China must be pressed to crack down on possible 'non-state actors' responsible for the cyber attack on Indian targets.

States, China, Russia and Britain—India should heed the warning shots fired against it. There is an urgent need for a rigorous strategic and operational exercise to counter eventualities of cyber war, at various levels of the government and the military.

Save short surges of paranoid reportage, the Indian media has been guilty of lax reporting on this matter. In particular, there is little scrutiny of the government's response to the emerging strategic threat. Except for carrying the occasional comments by ministers and self-professed security experts with vested interests, or reporting sensational statistics on infections and "attacks" in the Indian part of the cyberspace, the media has not given the kind of prominence that is warranted, of the rising danger of cyber threats to national security.

Once before, India ignored the emergence of a new kind of threat across its northern frontiers until it was too late. Five decades on, India might be repeating that mistake. ■

Higher education—a bridge to Japan

The case for a closer ties between Indian and Japanese universities

MUKUL G ASHER &
SMRUTI ARAVIND

As India embarks on the long-overdue higher education reform—which includes promoting research culture in universities—it should diversify the partners with whom it seeks deeper engagement.

India's traditional partners in higher education and innovation activities have traditionally been the United States and some Commonwealth and European countries. While this partnership should continue to develop, it is essential to also accelerate engagement with other major economic powers such as Japan, South Korea and Brazil.

Consider Japan. Japan's efforts to expand international linkages of its universities provide a favourable backdrop for India to intensify its own partnerships with Japan.

There are two broad factors which necessitate such diversification. First, there has been increasing globalisation of research, development and innovation activities. A recent survey by the United States' National Science Foundation found that American manufacturers conduct about a fifth of their total R&D in other countries.

In several key sectors—such as motor vehicles, textiles, apparel, and electrical equipment—the off-shoring share exceeds 30 percent. While relevant data are not available, it is a reasonable presumption that such trends are also occurring in other major economic powers such as Japan, South Korea, and Germany.

India's high quality technology and management institutions should set up centres in selected countries, particularly Japan. For instance,

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Photo: Dennis Keller

the reported plans of Indian Institute of Technology, Kanpur to set up such centres in Penang, Malaysia, and in the United States, are therefore in the right direction.

Second, the current global economic crisis has diminished medium-term growth and employment prospects of the United States, the European Union and Britain.

The proportion of India's working-age population is rising, which suggests a regeneration of livelihoods, with emphasis on an increasingly educated workforce with high aspirations. India must therefore explore all avenues for generating such employment opportunities. Countries like Japan and South Korea, on the other hand, are ageing, and will soon face a decline in their total population—thus presenting an attractive opportunity.

India should increase its leverage on other countries with a strong global presence of technology-intensive companies and excellent university systems with close industry linkages.

In this context, efforts to engage universities and research institutions in Japan, as well as the R&D of labs of Japanese corporations, will prove beneficial. Japan has increasingly emerged as among India's most important economic and strategic partners. It is also

the largest bilateral provider of economic and technical assistance.

Japan is globally recognised as a leader in many areas such as automotive engineering, life sciences, electronics, railways, solid waste management, and renewable energy. Its proven competitiveness is based on excellent universities, who have traditionally been engaged in close collaboration with industry, but whose international engagements have so far been limited.

This, however, is changing. Universities are introducing more courses in English, and actively seeking foreign students who could form part of Japan's talent pool.

Japan's strength is its close linkages between its universities, research institutions, and industries—something that has been an area of major weakness in India. The separation of teaching, research, and graduate and undergraduate education has not permitted the realisation of synergies when full-fledged universities combine teaching and research. Commercially oriented and socially useful research collaboration between industry and universities and research has therefore been limited. This has hampered India's efforts to progress towards a knowledge economy. Deeper engagement with Japan could help address this deficiency.

The Japanese government has set up several scholarship programs to attract foreign students and to facilitate exchange of faculty and researchers. But Indian higher education and research institutions, despite Indian students' desire to pursue higher education abroad, have not given requisite priority to exploring opportunities with their counterparts in Japan.

A formidable barrier is the need to learn Japanese. But this is not as daunting as some would believe—particularly given the deep cultural links between India and Japan.

Indians are generally adept at languages, with most growing up familiar with at least two to three Indian languages. The use of English has also become more widespread. Several states, such as Gujarat, have begun to promote English as a language essential for global commerce and science.

While these are steps in the right direction, the importance of non-English languages on the Internet, and in commerce and science, is expected to grow as an increasingly multi-polar world emerges. Functional knowledge of other major languages, including Japanese, has now become more essential.

Acquiring basic proficiency in Japanese takes about one year. This is a relatively minor investment of time, given the widening career options, business opportunities for firms, and enhanced scientific and technological options that will follow as a result. The accessibility of Japanese-language training needs to be expanded considerably in different parts of the country.

There are indications that Indian professionals, particularly in the IT industry and in engineering, are exploring prospects with Japanese companies. Tata Consultancy services (TCS) in setting up its second branch in Japan in the Kansai region explained that many Japanese companies are increasingly using English language software. Moreover, as they globalise further, extensive global experience of TCS is valued by Japanese companies, providing TCS with significant business opportunities. This suggests that separation between Japanese and English languages training is becoming less rigid.

Indians desiring to widen their higher education options are also enrolling in tertiary institutions in Japan. But the trend needs to be significantly accelerated. There is considerable merit in Japanese organisations, such as JICA (Japan International Cooperation Agency), Development Bank of Japan (DBJ), and Nippon Foundation taking initiatives to help

accelerate this trend.

Indian operations of Japanese companies are beginning to rival those from South Korea, both countries have businesses which have significance global presence, requiring non-Japanese manpower. As a result, promising career prospects for Indians familiar with Japanese business culture and language can be expected.

To accelerate the trend, Indian universities should consider collaborations with Japanese universities as they seek out global partners. Institutions such as St Xavier's College in Mumbai, which are planning to internationalise their curriculum, student assessment criteria, and management practices, will also greatly benefit by collaborating with their Japanese counterparts, particularly in science and technology. They could also consider establishing "Japan Centres" to facilitate such collaboration. These however should be substantive and not set up as public relations or as bureaucratic exercises. Indian foundations also need to consider engaging their counterparts in Japan to deepen communication and take joint initiatives.

States like Gujarat that organise annual global investors' meetings will particularly benefit by inviting Japanese universities and research institutions. These could be utilised to link similar institutions in Gujarat with their counterparts from Japan; to facilitate establishment of research labs of Japanese corporations in India.

Japanese universities, faculty and students also need to demonstrate greater urgency to internationalise their linkages with non-traditional partners such as India.

Deeper connections in higher education and innovations will provide greater substance to a strategic India-Japan partnership, and enhance economic space and strategic leverage for both countries. India should also consider entering into a totalisation agreement with Japan, which would recognise the social security arrangements of each country. Similarly, an agreement to facilitate Indian workers to fill specific needs in Japan could also be considered.

At a broader level, India should articulate its commitment to engaging in strategic partnership with Japan. India and Japan must capitalise on the opportunities they offer each other in terms of both achieving their domestic goals and expanding their global roles. ■

The flotilla card

Fawwad Subhi writes a provocative article in Palestine's *Firas Press* about the recent Gaza flotilla raid. He says that the Arabs and Muslims have reacted with anger against Israel's raid. Egypt and Jordan have recalled their ambassadors and some have demanded that Egypt not send to the people of Palestine food or fuel supplies, but rather its army to force Israel to break the Gaza embargo.

However, the writer says, many of the protesters don't know that it would have been possible to avoid this incident, had the organisers of the flotilla accepted Egypt's offer to supply their aid to Gaza residents via the Rafah border crossing. This was rejected because the goal all along was to exploit and media-manage the incident to project Israel as a monster. Mr Subhi asks why the organisers rejected Egypt's offer and insisted, instead, in transferring supplies via the Mediterranean Sea. He questions if there was a connection between the incident and the internal disputes between Turkey's prime minister on the one hand, and the army and opposition on the other. Mr Subhi asks whether there was an attempt by Turkey to draw focus away from its own internal discord by inflaming religious passions of Arabs and Muslims against a "common enemy." The writer sympathises with the people of Gaza and hopes that the siege will end some day; however, he attacks Hamas, calling its actions "more cruel and vicious" than those of Israel. He suggests that Hamas has hurt the people of Gaza, socially, intellectually and economically; he urges Gazans to dismiss the Hamas leadership and to reinstate the "legitimate" President Mahmoud Abbas, through a united Palestine.

Tilt meter

In its editorial on June 5th, Pakistan's *Nawa-i-waqt* opposes statements made by Hillary Clinton that the United States was committed to considering India's

membership in the UN Security Council. The editorial says that India and the US share common views on terrorism and that there is now a significant defence partnership between the two countries. It notes that President Obama set aside protocol to visit the State Department to personally speak to the Indian delegation while such a welcome wasn't accorded to previous Pakistani delegations.

At the same time, the editorial points out, Mr Obama has called India a responsible power, while preaching Pakistan to "do more" on the issue of terrorism. The editorial opines that the India-US alliance has grave consequences in the neighbourhood and to the Muslim Ummah. It points out that were India to become a member of the UN Security Council, Pakistan's narrative on Kashmir and its ability to push for a plebiscite would be compromised. The editorial suggests that India has been opposed to the state of Pakistan from the very beginning and has relentlessly pursued its vision for an Akhand Bharat. The India-US nuclear deal and India's import of state-of-the-art military technology can mean nothing but trouble for the rest of the world. The paper calls for the Muslim world to unite against the venomous alliance of India, US and Israel.

Taliban? where?

A *Roznama Ausaf* editorial criticises Pakistan's Interior Minister Rehman Malik for suggesting that the Taliban had overrun South Punjab. The editorial says that extremism is something that all of Pakistan is confronting; it suggests that the term "Taliban" isn't defined by identity "Taliban are not Punjabi, Sindhi or Balochi" it is a mindset, that both the members of the Taliban and al-Qaeda subscribe to. The editorial clarifies that the people of South Punjab are mostly subscribers of the Bareilvi school of thought, whose ideology does not tie what that of the Taliban.

The editorial disagrees with Mr Malik on the issue of the presence of the Taliban in South Punjab" it asks that if the Taliban was indeed present in South Punjab, why

hadn't the Interior Minister taken action against them in the past, why haven't the alleged "Taliban" been arrested and why haven't weapons and suicide vests ever been recovered from the region.

The paper fully supports Chief Minister Shahbaz Sharif's objection to Mr Malik's comments. It argues that the Taliban were present even during the Afghanistan wars, although they were of several nationalities. The United States, the article suggests, then tried to distinguish between the "good" Taliban and "bad" Taliban and attempted to reconcile with the "good" Taliban. Mr Malik is advised not to issue such statements and Mr Sharif is cast as a patriot and a visionary. The editorial concludes by saying that those individuals who toe the American line are more interested in US interests than in Pakistan's interests.

Stabilising Iraq

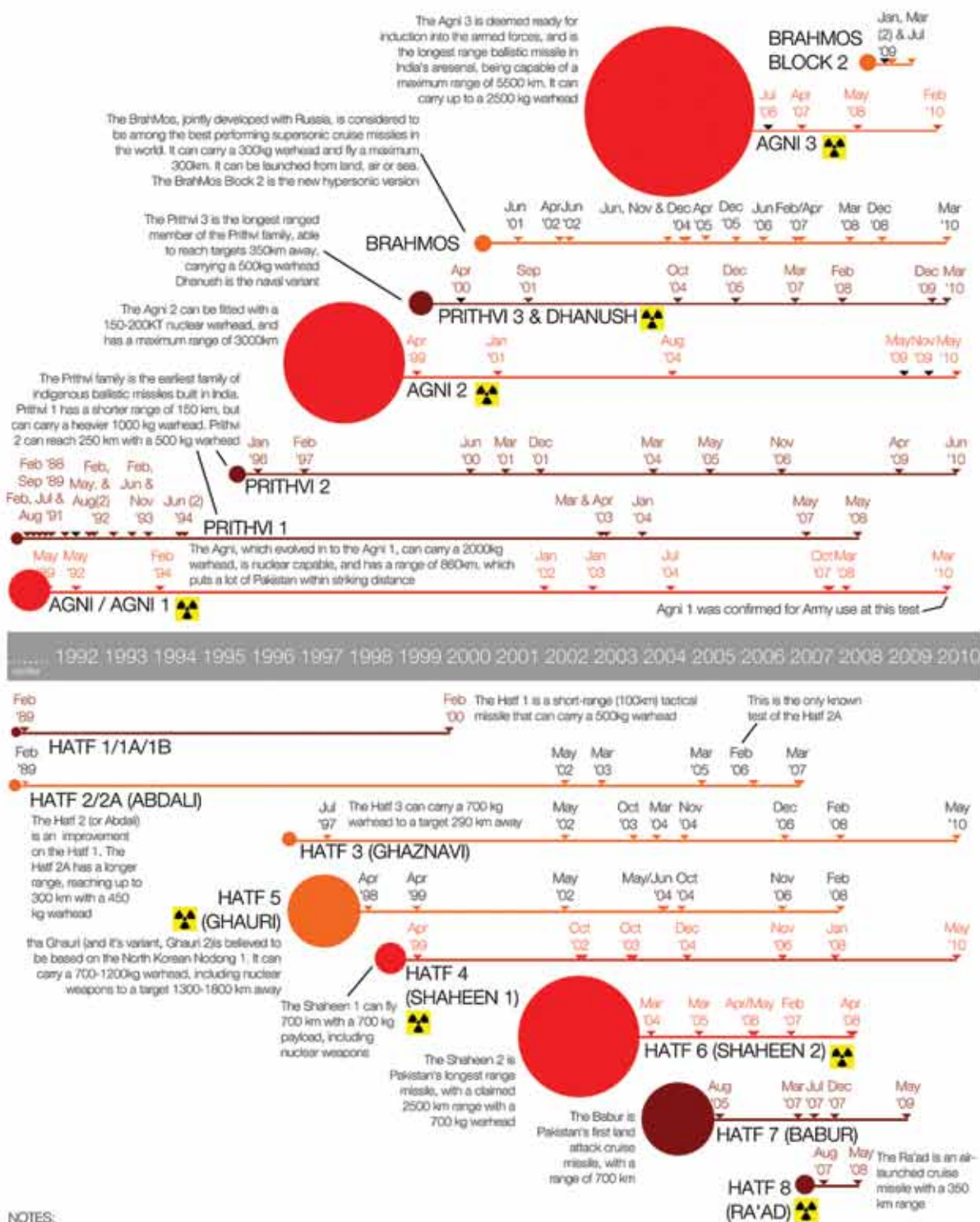
An article in UAE's *al-Bayan* newspaper tackles the challenges facing Iraq's new parliament. It says that that several challenges face the new parliament, including electing the next Speaker and Deputy Speaker. The article comments that sensitivities of the various political parties and key challenges are well known, but they must all be dealt with, as Iraq is battling a surge in violence in the absence of governance.

It suggests that Iraq cannot afford further conflict and that it has already paid a significant price as a result of the war. The article points out that Iraq is about to enter a critical phase, with the withdrawal of 40,000 US combat forces next September. If previous elections are an indicator, the article suggests, then it could be months before a new government is formed in Iraq. The article urges all the political parties to work together towards national reconciliation so that a new government can be formed and begin to function as soon as possible.

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Launch sequence

A view of ballistic missile tests by India and Pakistan



Quietening on the Eastern front

How close is the Naga question to being resolved?

national security

After thirteen years of ceasefire and fifty six rounds of talks between the Naga insurgent group, the National Socialist Council of Nagalim (Issac-Muivah) or NSCN (IM) and the Union government, how close is the Naga problem to being resolved? This is a question that is being increasingly discussed and debated among those conscious and concerned of the unresolved, volatile, political challenges in India's North East. The two core issues which hold the key to this tangled skein are the demand for Naga "sovereignty" and "integration" of all Naga people into one geopolitical entity.

NILIM DUTTA

The recession of secession

Throughout their existence, the various Naga tribes lived in splendid isolation in the hills running north to south from the Himalayas in a gentle arc, west of which lie the Brahmaputra basin in India's North East and in its east, the Chindwin-Irrawaddy basins of Myanmar. This left them out of the historic processes of state formation, political integration or cultural assimilation, well into the second half of the nineteenth century. When they were finally incorporated into the British Indian empire, colonial policies ensured that there were few opportunities for them to integrate meaningfully into the emerging consciousness of a pan-Indian nationhood which eventually manifested as the Union of India.

The Nagas' incipient political awareness, brought about by the spread of western education, made them acutely aware of their 'different' history and culture. By the time the British withdrawal from their colonial empire came to be discussed, the Nagas became increasingly apprehensive of their position within the future political dispensation. The new political elite of

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Photo: Rita Wilaert

the emerging Indian nation-state failed to fathom these apprehensions and to engage the emerging Naga political elite substantively to quell their fears, instill confidence and persuade them of a shared future. Naturally, a reluctant people rebelled, but sadly, at first, even their rebellion was taken little note of. This forms the crux of the Naga question of 'sovereignty' which remains unresolved even after sixty three years of India's independence.

In these six decades the proponents of Naga sovereignty and the Indian government, remained engaged in a war of attrition to wear each other down. There were several lost opportunities, either due to inept political handling on the part of the leadership in New Delhi, or the intransigence on the part of a faction of the Naga extremist leaders. When, for instance Naga Hills District was formed into a full fledged state of the Indian Union in December 1963 paving the way for successful elections to its Legislative Assembly less than a year later in 1964, the hardliners in the Angami Zapu Phizo-led Federal Government of Nagaland or the Naga National Council (NNC) opposed it tooth and nail. They sent emissaries to China—led by Thuingaleng Muivah—to seek assistance for their guerilla movement. India's hostility with its neighbours, civil war in Myanmar, a predilection for proxy wars as legitimate means of statecraft in the Cold War era and India's isolation in the geopolitical area it needed influence in, all ensured that the Naga insurgency not only sustained, but also inspired and assisted many others in the North East to take up arms.

Such favourable ground conditions must have been among the factors that caused a faction of the NNC to continue the war of attrition. They refused to accept the Shillong Peace Accord of 1975 and broke away to form the National Socialist Council of Nagaland (NSCN) in 1980. Differences within led to its split into the NSCN (IM) and the NSCN (K) in 1988—the former the dominant faction jointly led by Isak Chisi Swu and Thuingaleng Muivah, and the latter, the smaller but equally ruthless faction led by S S Khaplang. Ever since, both the groups have been engaged in a fratricidal war to 'establish' one's dominance over the other.

The doyen of Naga nationalism, Phizo passed away in May 1990, in London, having lived in exile there for more than three decades. Even though he was by then reduced to a mere figurehead in the Naga struggle, the Indian government's gesture, facilitating his body to be brought back and interred in Nagaland, honouring the wishes of a large section of the Naga populace revealed

a rare sensitivity. Phizo's funeral drew crowds from the furthest corners of Naga areas even outside Nagaland, and all of them, regardless of their tribe or clan loyalties, stood as one in their homage to the departed leader. 'Sovereignty' still looked uncertain, but no one could doubt anymore that the Nagas have emerged as a 'nation' through their struggle.

Even though the Naga struggle for sovereignty was very much alive in the early 1990s, it had become apparent to most that a 'battle fatigue' has set in. Large sections of Naga political elite, intelligentsia and the middle class have emerged as the beneficiaries of the Indian republic in a myriad ways. Leaders of political parties, elected members of the legislatures, senior bureaucrats to petty government officials, contractors, traders and many others, to whom substantial benefits flowed legally as well as illegally, have developed a stake in the continuation of the existent state and insidiously resisted any desire for sovereignty through secession. Powerful market forces which had entrenched themselves firmly into the Naga

It is quite clear that 'shared sovereignty' will certainly not include secession.

economy too created strong interests against secession.

Ironically, even the very militant organisations fighting the state and demanding secession became some of the state's most rapacious beneficiaries, siphoning off development funds, extorting from salaries, influencing government policies and decisions in protection rackets, and above all in influencing electoral outcomes by extra-constitutional means. Not only the general Naga populace, but even those actively fighting for sovereignty, had lost their 'will' for secession. On top of this resurgence of tribalism and clan rivalries were making it virtually impossible to sustain a unified struggle.

These developments did not go unnoticed by as astute an observer as Mr Muivah, ever perceptive to winds of change blowing in the Naga homeland. Therefore, when overtures for peace were made, facilitated and supported by the church and Naga civil society organisations, after rounds of secret negotiations, NSCN (IM) finally entered into a ceasefire with the Indian government which came into effect in August 1997. It was then fifty years since the rebellion had begun.

The NSCN (K) followed suit a year later.

The fact that the ceasefire agreement has endured for thirteen long years, in spite of intermittent violations and grave provocations by both the sides, does not mean that the NSCN (IM) believes that 'sovereignty' through secession is a possibility through peaceful negotiations. Rather, it is an indication that the NSCN (IM) no longer considers secession an option. Neither the NSCN (IM) nor Mr Muivah himself can admit it in so many words, but the remark by R S Pandey, the Union government's negotiator, after the latest round of talks that there is already a concept of 'shared sovereignty' attests to this. Even though it has not been articulated what this 'shared sovereignty' means, to those who can perceptively read what is left unarticulated in the politics of peace processes, it is quite clear that 'shared sovereignty' will certainly not include secession.

Complexity of integration

The issue of Naga integration will however prove to be far more complex to resolve. NSCN (IM)'s claim of Nagalim

With patience will a political consensus emerge to change state boundaries?

includes the four Naga inhabited hills districts of Ukhrul, Tamenglong, Chandel and Senapati in Manipur, the two districts of Tirap and Changlang in Arunachal Pradesh, and substantial territories in the districts of Golaghat, Jorhat, Sibsagar, Karbi Anglong and North Cachar Hills in Assam. It also includes a large Naga inhabited area in Myanmar.

While there may be fervent support among the Naga inhabitants in these areas for integration, Manipur, Arunachal Pradesh and Assam are vehemently opposed to ceding any territory for a new Naga state to be carved out of their territories. This conflict has reached an acute stage in Manipur, and not without reasons. The four Naga inhabited hills districts of Manipur together constitute an area of approximately 15,519 sq km out of a total of 22,327 sq km area of the Manipur state. Ceding them will leave Manipur with barely any of its historic territory. Therefore, when New Delhi extended the ceasefire with NSCN(IM) to these districts even without so much as consulting the Imphal in 2001, Manipur was

engulfed in violent protests in which even the legislative assembly building was burnt down by angry mobs. There was a suspicion that the ceasefire extension would be the precursor to separation of these districts from Manipur.

This year when Mr Muivah attempted to visit his ancestral village of Somdol in the Ukhrul district, the Manipur state government thwarted it by force. This led to widespread protests by the Nagas residing in Manipur and an indefinite blockade of both the national highways connecting the state to the rest of the country. What must be understood is that arbitrary separation of the districts is not an option and will be resisted by violent protests. On the other hand, if Naga inhabitants of these districts stridently continue to demand their integration into a new Naga state, they can render Manipur virtually ungovernable, as is evident from the recent blockade. In a democracy, legitimacy to rule has to be acquired by consent—a fact well worth keeping in mind by all the stakeholders.

The issue of integration of the Naga areas matters greatly to Mr Muivah personally. After all, after having given up the demand for secession will he have any legitimacy in a Naga state if it does not include the very district he and his Tangkhul clan hails from?

It is still too early to conjecture how will the Naga integration issue unfold, but two issues are clear. First, it merely requires a simple majority in Parliament to change the boundaries of any state in India. There are no constitutional hurdles that stand in the way, only political ones. Second, as the Union government has asserted with nuance, no existent state boundaries shall be changed to accommodate Naga demands without political consensus. Mr Muivah admits that there may be difficulties, but is confident that with patience, these difficulties could be overcome. Does he mean patience to build political consensus to change boundaries?

Even the most strident critic of the peace process will have to admit that it has been successful in substantially bringing down armed violence and casualties in all Naga inhabited areas across India's North East. The ceasefire has also ensured that overt support and assistance of NSCN (IM) to the other insurgent groups in the region have been meaningfully reduced. For a home ministry and an army stretched thin on too many fronts, not the least being the Maoist threat, a quiet Eastern front is a much desired relief. Compulsions for both the NSCN (IM) and the Indian government have ensured that the ceasefire endured for thirteen long years. These same compulsions will ensure that the peace process succeeds. It may take its own time though. ■

Fixing two genetic flaws in the Constitution

Bad governance can be tackled through
constitutional changes

governance

If self-governance is the hallmark of democracy, then India barely qualifies. While India's achievements in economic and commercial spheres are being hailed globally, the chronic ailments that dog our political and administrative systems, while drawing comment, have yet to really come up for overhauling in any serious way. And perhaps some of the problems we are witnessing in India's polity today are due to lack of this overhaul, and arise from the way India's constitution was written. As an illustration, we may consider two pressing issues—the state of India's cities and villages, and the continuing importance of caste in our political discourse.

ASHISH SHARMA

Empowering local governments

It is no exaggeration to state that governance, particularly at the lower levels of government, is marked by sloth, inefficiency, and corruption. Citizen services are of the poorest quality, reflected in both the lack of hard infrastructure such as roads, water, and sewage management as well as in service delivery across police services, traffic control, fire, health and emergency services, pollution control and so on.

Urban and rural local bodies form the lowest tier of the 'sarkar'. However, almost all decisions on the why's, hows, why nots, dos and don'ts of running the lives of common people are taken at the state level, which is at least two levels removed from the daily reach for most citizens. Law & order, schools, electricity, and even local sewerage and water supply lie in the domain of parastatal bodies largely or totally funded and controlled by the state governments. To this list one could add even typically local services such as fire, emergency response, and primary health.

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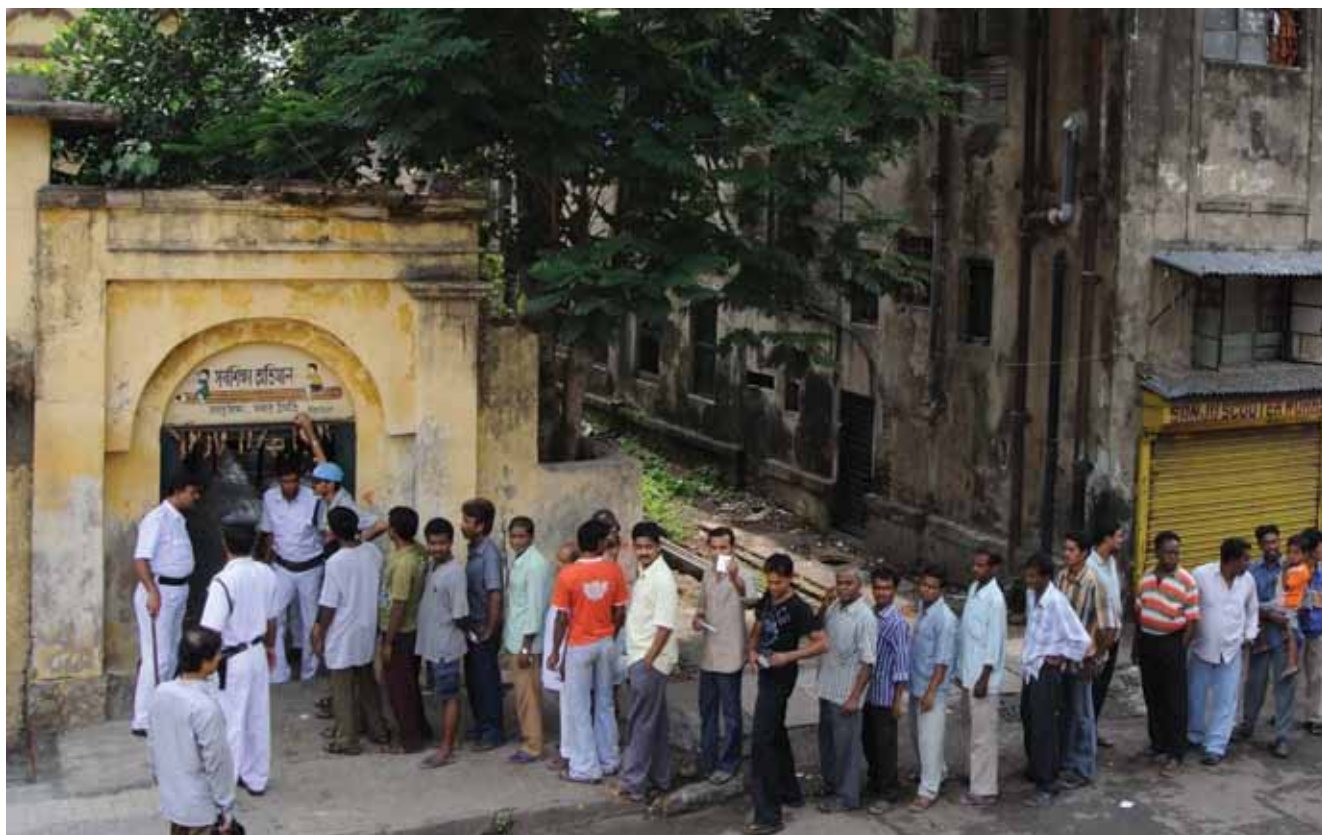


Photo: Al Jazeera English

This absence of immediacy in the power to take decisions while providing service at the last mile contributes to inefficiencies in governance—it is impossible for even the most well-meaning Secretary sitting in Lucknow to effectively monitor how well a teacher is teaching in a school in a village in Badaun district. The only stakeholders who can effectively monitor the quality of service provisioning are the parents of the children attending classes. If we are to improve the quality of our local services, and reduce corruption, the only proven way to do so effectively and sustainably is to make those services accountable to the immediate users of these services, that is the local populace.

Unfortunately, the Constitution explicitly, from its very inception, fostered a culture of top-down governance that has the completely opposite effect of eliminating local accountability. To wit, there is a Union List, a State List, a Concurrent List, but no “local bodies” list. The Finance Commission which defines revenue sharing bases for the Union and States, makes no mention of local bodies.

While the 73rd and 74th Amendments were milestone events that acknowledged the importance of local bodies, they have not been able to lead local bodies

to the promised land. This is because given the political exigencies of the time, delegation of powers, monies and responsibilities remained discretionary decisions left to the state governments.

Though it has been nearly twenty years since those amendments were made, progress remains patchy. State capitals have adhered to the letter of the law in some instances, but genuine empowerment remains a distant dream. The fabled Indian approach of change by evolutionary steps has not worked.

Time has come for forcing through the change. First, insert a third list in the Seventh Schedule, explicitly carving out the domain of the local bodies. Second, amend Article 280 (governing the provision and functions of the Finance Commission) to explicitly ask for revenue sharing between the Centre, States and Local bodies. Third, amend the 73rd and 74th amendments to make elections, composition, functions and responsibilities of the local bodies mandatory, and not subject to the discretion of the states

De-emphasising caste politics

The caste system in India is part of its ancient history and its implications in the present day cannot be wished away or shut out. Though the caste system is essentially a

social feature and not a political one, it has lent itself with admirable ease to political mobilisation and lobbying, particularly given the “first past the post” structure of our electoral laws embodied in the Representation of People’s Act (RPA).

Given the first past the post method, electoral aspirants need to consolidate a group bigger than any other group, and make sure every other group is as fragmented as possible in order to get elected. It is a race for the smallest viable unit, as opposed to the biggest possible grouping.

Politicians cannot be blamed for holding up the trump caste card time and again, as they are merely responding to the construct of the RPA by picking up caste as the most handy tool of fragmentation. Amending the law to take away that tool will certainly not do away with the caste system, but it may at the very least, arrest its misuse in politics. To do so, the RPA must be amended in a way that facilitates consolidation of vote banks rather than fragmentation, by amending the first past the post to a system of majority vote.

To genuinely have MPs and MLAs elected by majority vote of the constituency, elections in each constituency could be held in two rounds—the second

round being a run-off between the top two candidates of the first round. This will ensure that the winner has the support of the majority of the electorate; a side benefit is that there has to be consolidation across multiple caste blocks for any candidate to aspire to victory.

These two sets of proposals presented here will go a long way in casting off the shackles of a governance

Elections are a race for the smallest viable unit, as opposed to the biggest possible grouping.

structure that India has inherited. Centralised governance made perfect sense for the British when they needed to rule India as a colony. It scarcely makes sense when the aim is to have Indians rule themselves. The incremental time and expenditure incurred in conducting run-off elections is a price worth paying to obtain a better quality and less divisive governance. ■

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Photo: Jasleen Kaur

How to un-jam our cities

The case for congestion pricing, metro networks and deregulation of public transport

HARSH GUPTA

Decongesting our city roads will need a three pronged approach—stop overtaxing cars and start charging tolls, delicense and deregulate public transport, and quickly build or expand metro rail networks in all our major cities. The last suggestion has political consensus behind it, but the first two have yet to be adopted by policy-makers.

A basic principle of economics is if you provide something free, then more people will use it. Our urban policy-makers are only belatedly realising this—no matter how much they tax cars or petrol, roads are still free to use and hence crowded. To discourage congestion, especially in busy parts of cities during rush hour, the best solution is to have a variable road charge to access the main arteries, flyovers and intersections. The charge should be in proportion to the vehicle size, and road demand based on time of the day and location of the city. The absolute figure for the charge should take into account road maintenance and construction costs. Simultaneous tax cuts on fuel and vehicles must be enacted so that citizens on the average pay about the same for their private transport. Of course, buses and taxis can be exempted from paying the toll for political reasons, though differential treatment is not the optimum policy solution.

Correct implementation will difference between its success and failure. Sensors on the car with pre-paid road accounts should be automatically deducted at entry points—a similar model is used successfully in Singapore—because physical collection might exacerbate the problem at times. Various intersections and entry points could have different rates



Photo: Premshree Pillai

flashing for small cars, big cars, and larger vehicles—with different rates for, say, office hours, daytime, and night. Some commuters could accordingly choose slightly longer but less busy—and less expensive—routes to save money.

Such a system can be flagged off by a competent technocracy. A well-designed Private Public Partnership (PPP) plan might do better—transparently auctioning off the revenue collection of competing road routes to different private parties for a fixed period. The contracts should be detailed and the government should retain some rights like the power to use the roads during emergencies. Toll charges should be in round numbers, cannot change more than, say, once every two hours, and price schedules cannot be changed more than, say, twice a year without approval. Prices could also be capped for the next few years to reassure the public without losing many policy benefits. Similar contracts—where turnpikes have been “privatised” in some American cities have had encouraging results, and of course have also been a boon for municipal or state finances.

But even without a PPP model, variable government tolls should significantly prioritise commuting decisions and raise revenue. Take the case

of Delhi. They should repeal the BRT corridors—as they use up valuable road space for marginal benefits to some bus commuters, and are nothing but the forcing of equality in traffic discomforts—and instead monetise the entire road through tolls and charges. The additional money can go for an even greater expansion of the Metro than is currently planned. Something that should also be considered is a repeal for taxes on all buses (public or private) and a level regulatory field so that private bus services can challenge the state’s monopoly and improve service for bus commuters. In fact, private bus services are more likely to have higher safety standards than both state transportation carriers that do not care and single private operators who can get away with negligence because they have no brand and reputation to protect.

Most families will buy cars as they enter the middle class no matter how much socio-fiscal engineering the government tries, and that public transportation, while essential in a crowded country like India, can nonetheless never match the mobility and freedom of automobiles. Often congestion and pollution are cited as negative externalities to support the taxation of fuels and cars—with the ostensible bonus of encouraging the funding of green transportation and technology. The

logic of environmentalists like Sunita Narain goes like this, and on the face of it is reasonable—cars, trucks, and even planes—do cause a lot of pollution, but do not pay for it. Make sure that their private costs are the same as the public costs they impose—hence the added “Pigouvian” tax—goes the argument.

Except, what about the positive externalities of travel? Of people of different places meeting and talking. Of the ameliorative effects of trade on the militaristic impulse in people—not to mention the hard economic

For our city auto-rickshaws and taxis, the licence-permit quota raj never went away.

benefits of having access to a larger market. While these are inherently too subjective to accurately quantify, so too were the congestion and pollution costs. And if the idea is to encourage non-fossil fuel technologies, one could as well argue that all non-carbon energy sources be given a tax break rather than slap another tax on carbon—that too has the same incentive for supposedly green technology.

For our city auto-rickshaws and taxis, the licence-permit quota raj never went away. A study by Danish

Faruqui & Raghav Sud at the Center of Civil Society shows how the required documentation can cost new auto-owners significant amount of money and time. In fact in New Delhi, an auto rickshaw costs four times as much as a Tata Nano. Why? Because the number of “meters” is fixed by law. It is a classic insider-vs-outsider dilemma. Aspiring auto owners resent the high entry costs, but once in must defend it else face serious capital losses. One way out is to slowly increase the number of permits every year. This will not significantly hurt the current auto-owners, but will over time decrease the auto fares in the city.

Our urban public transportation policy has been extremely biased against the participation of the formal private sector. Now, a metro network is something that only the government can realistically create (although DLF, a private real estate developer, is building even that in Gurgaon), but the private sector can easily provide cars and transportation services for customers of all income levels. In fact, even supposedly market-friendly regimes like Gujarat’s turn out to be more industrialist-friendly as the recent tax increase on second-hand cars there shows. As Barun Mitra and Sauvik Chakraverti of Liberty Institute have argued, government interference has meant that commuters who cannot afford their own cars continue to rely on vehicles that are more expensive, more polluting and more unsafe. We can get traffic under control—we just need the right incentives. ■

Partnerships are made by bureaucracies: Continued from Page 11

participate in selected research and development projects with the Department of Defense.

The recent US-India Strategic Dialogue said all the right things about partnership. Yes, this is an important first step—such meetings set the foundation. President Barack Obama personally went to the State Department to meet the Indian delegates, a signal honour. But statements aren’t enough. What working groups are in place to begin translating presidential statements into concrete policy documents?

More importantly, has a clear message been sent through the bureaucracy, that timelines for

completing policy reviews will be enforced? Will there be consequences if deadlines for action aren’t met? If the White House is serious about wanting to move the relationship forward, it will have to demonstrate consistent interest (and continual pressure) to force through the necessary organisational changes in the US national security apparatus. Otherwise, we will continue to have a schizophrenic approach: India and the US as symbolic, rhetorical partners, but their national security bureaucracies continuing with “business as usual.” ■

In search of the wrong saviours

infrastructure

When it comes to infrastructure, finance is not a hurdle. The political economy is.

Frequent trips abroad by Minister of Road Transport and Highways to solicit investors, and the recent pronouncement regarding \$1 trillion requirement for funding infrastructure in the twelfth plan period (2012-17) have centred the debate on huge funding deficit facing infrastructure development. The constant refrain ascribes slow pace of infrastructure development to unavailability of foreign capital.

PRASHANT KUMAR SINGH

While our overall financial architecture might lack suitable financing mechanisms, it is the consequences of prevailing political economy of infrastructure development, rather than a lack of capital, that hinder private sector from participating effectively in infrastructure development.

Over the last decade or so, the dominant model of infrastructure development in India has consensually evolved into the public-private partnership (PPP) model to leverage the limited public resources for large scale development. Apart from budgetary constraints, the rationale behind the various forms of PPP arrangements is to bring in efficiencies and innovative management practices in public projects by partnering with the private sector—reducing project cost and thereby providing a better value for money to the user of services.

Despite fiscal incentives like tax holidays and permitting 100 percent FDI in select sub-sectors, foreign capital still eludes us. Financing infrastructure projects is inherently risky due to non-recourse or limited recourse liability, long gestation periods and unstable cash flows spread over decades. Besides, the risks perceived by the private sector, even when in partnership with the government: policy risk, regulatory risk, political risk and exchange rate risk, to name a few.

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Agglomeration of these risks due to adverse selection problem steeply raises the risk profile of a project, particularly in the foreign investors' perception, and thus necessitates higher returns. This prohibitively high cost of capital of funding a Special Purpose Vehicle (SPV) often renders the bid uncompetitive. Moreover, a foreign investor might feel that the size of the Indian projects is smaller in comparison to the global average, and, given the available choice could forsake India due to the comparatively skewed risk-return ratio.

Therefore, it will be improvident on our part to wait for foreign capital to fulfil our infrastructure lending requirement. Instead, it is important to create appropriate financing mechanisms to channelise India's savings rate of around 32 percent—amounting to approximately \$450 billion—into infrastructure. This will involve, at a minimum, developing an active bond market, allowing insurance companies and pension funds to invest in wider asset classes, and according a greater role to specialised Non Banking Finance Companies (NBFCs) in lending to infrastructure SPVs and consortia.

Concurrently, for financing large infrastructure projects, Indian government should utilise soft loans of longer duration like those from the Japan's Official Development Assistance (ODA) for Delhi Metro and western leg of the Dedicated Freight Corridor (DFC) project, among others. Today India is the largest recipient of ODA loans, but such collaboration has been an outcome of the convergence of New Delhi's and Tokyo's geo-strategic interests, by sustained diplomatic engagement at the highest political level, beyond the interests of Japanese businesses in India.

It is not finance but managing the other issues arising out of the political economy of infrastructure which will determine the pace and direction of infrastructure development. To start with, the ideological opposition by a section of the political class and civil society to private participation in infrastructure development still exists. Infrastructure services are seen as a pure public good to be provided free of cost by the state. It blindly equates private participation as profiteering at the expense of common man and derives political mileage without laying down any alternatives to user fee based approach of PPPs or earlier tax based funding approach.

To add to this, cases like the Delhi-Noida toll bridge—a build-own-operate-transfer project—where the concessions do not serve the public interest, and the bidding process for the modernisation of the major

airports only serve to strengthen the perception of rent-seeking and a sell-out to business. Setting up of separate or unified, independent regulatory and adjudicatory bodies for various sectors, as in telecom, to monitor performance and user charges agreements are already a long overdue step.

Despite availability of finance and a PPP agreement in place, land acquisition is the biggest factor which continues to delay most projects. Acquiring land—through eminent domain powers—must not be seen from a purely legal perspective but from a broad socio-economic perspective. Unless prompt market based compensation is paid to the correct owners, acquiring land will remain a tortuous process and delay the infrastructure projects.

At present, the majority of PPP projects are the ones undertaken by the Union government. Co-ordination with the state governments often creates hurdles—more out of sheer political animosity than out of a difference of opinion—and is another source of delays. The recent withdrawal of the Uttar Pradesh government from the Umbrella State Support Agreement (Umbrella SSA) to be signed with the Ministry of Road Transport and Highways is a case in point.

Delivery of quality infrastructure services at affordable charges in sectors with high visibility, for instance highways, is extremely important at this stage to build continued public support for and acceptance of PPP model. This will automatically help in transition of the PPP model to other sectors like water supply, sanitation, waste management, warehousing, including social sectors—health care and education—at a much larger scale. Once the PPP model gains widespread acceptability and when sufficient expertise and experience is available with the Union and state governments to enter into PPP, innovative arrangements can be tried by the lower government bodies—municipalities and village panchayats—by drawing on the cumulative experience.

The complex interplay of various dimensions of the political economy increases overall business risk; therefore, deft management of these will not only reduce the risk perception and automatically lead to capital flows but ensure real progress on ground. Careful stewardship by the government with a political will is crucial to the success of this model; otherwise, sustained rapid economic growth over the next few decades will remain a pipe dream due to substandard infrastructure. ■

In Parliament

Regulating higher education

briefs

The regulatory architecture of the higher education sector is being recast. The human resources development ministry has circulated the draft National Commission for Higher Education and Research (NCHER) Bill for public feedback. It has also introduced four bills that regulate various aspects of education institutions. In this brief, we examine how these bills define the new regulatory landscape.

M R MADHAVAN

Background

Two high level bodies, the National Knowledge Commission (NKC) and the Yash Pal Committee (YPC) were set up by the UPA government in its first term to examine issues related to higher education. While there were significant differences in the recommendations, both bodies recommended that there be a single regulator for the higher education sector, instead of the current system of different regulators for technical, medical and legal courses. The NKC also suggested that the system of colleges being affiliated to universities be phased out, and the number of universities be increased by converting individual colleges and clusters of colleges into separate universities, as well as by establishing new ones. It also stressed on the need to strengthen undergraduate degrees by increasing flexibility of choosing courses and shifting to a semester system.

The new structure

The five bills together define the new regulatory structure. First, the draft NCHER Bill establishes a regulator for tertiary education. Second, all universities and programmes will require quality certification; this

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mechanism is established by the National Accreditation Regulatory Authority for Higher Education Bill. Third, the Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and University Bill, 2010 regulates admissions and fees charged by these institutions. Fourth, the Educational Tribunals Bill provides for a separate judicial structure to adjudicate cases related to educational institutions. Fifth, the Foreign Educational Institutions (Regulation of Entry and Operations) Bill sets conditions under which foreign universities may function in India.

The NCHER Bill

This bill creates a new regulator—NCHER—for all tertiary education other than medical and agricultural education. The regulator will replace the University Grants Commission (UGC) and the All-India Council for Technical Education, and will take over the function of regulating legal education from the Bar Council. The NCHER will also be responsible for determining grant funds—contrary to the recommendation of the NKC to separate regulatory and grant functions.

The NCHER has a chairperson and six members selected by the prime minister, the speaker of Lok Sabha, the leader of opposition in the Lok Sabha and the ministers for higher education and medical education. The bill also sets up a collegium with core and co-opted fellows to aid and advise the NCHER. Core fellows require to be Indian citizens or Overseas Citizens of India who have been awarded the Nobel prize, Fields medal, Jnanpith award, are members of an “academy of international standing”, or have been national research professors. There will be one co-opted fellow from each state and union territory, elected by core fellows from a panel of five names nominated by the state government.

The NCHER is tasked with taking “measures to promote the autonomy of higher educational institutions ... through reforms and renovation”. Curiously, the means to promote autonomy include the following: It will develop a national curriculum framework; it will specify norms of academic quality for a university to affiliate colleges; it will develop policies and processes to increase student-teacher interactions. And even more ironic: it will maintain a national registry of persons eligible to be vice-chancellors and heads of institutions; every institution—whether government or private sector—has to select from this list. As an analogy, just imagine SEBI developing a list of eligible CEOs of listed companies.

The Foreign Universities Bill

This bill permits foreign universities to operate in India after getting clearance from the UGC. They need to bring in a corpus fund of Rs 500 million and are barred from repatriating any surplus generated. The programme of study is required to conform to the standards set by the relevant statutory authority (UGC, AICTE and so on). The Union government may grant exemption from these conditions (except the repatriation ban) to any institution. A significant issue that arises is that these exempted foreign universities will have significantly lower regulatory oversight than Indian universities (including private ones); this creates a non-level playing field to the advantage of certain foreign entities. Another question is whether the ban on repatriating surplus will deter investments; however, this condition is similar to the non-profit requirement for domestic private universities.

The Accreditation Regulatory Authority Bill

This bill intends to increase information to prospective students about the quality of programmes offered by all institutions. All programmes and all universities need to obtain a quality rating from accreditation agencies (analogous to credit ratings for financial instruments). These accreditation agencies will be regulated by a new regulator.

Whereas the idea appears to be sound, there are several issues that need to be resolved. The bill requires all accreditation agencies to be non-profit and owned by the central or state governments; this requirement removes all competitive and profit-seeking forces that lead to improvement in quality and efficiency. Second, these agencies are required to help the educational institutions improve their standards; failure to do so will be an offence.

The Unfair Practices Bill and the Educational Tribunals Bill

The Unfair Practices Bill prohibits capitation fees, and requires all institutions to disclose the details of their fee structure. It also penalises false or misleading advertisements. The Education Tribunals Bill establishes state and central level tribunals. State tribunals will adjudicate disputes related to service issues of teachers and employees, affiliation of colleges to universities, and unfair practices. The national tribunal, in addition to

Continued on Page 36

How should the world deal with terrorism?

Classifying terrorists as pirates is not the answer.

book review

Nine years after the 9/11 attacks ushered in a new era in global conflict, lack of clarity reigns supreme. Leaving aside the fact that there is still no generally accepted name for this conflict, top-level planners cannot even agree about what constitutes “the enemy.” Under such circumstances, it should come as no surprise that it is difficult to conceive of, let alone speak about, attaining victory.

Several recent books have attempted to illuminate how the present war should be understood in scope and focus. While such efforts are needed, at their worst they can produce further confusion. Such is the case for D R Burgess’s *The World for Ransom*, which argues that terrorism should be understood as in effect the same crime as piracy. He argues that the best actor to define terrorism as piracy and handle future prosecutions is the International Criminal Court, but that the United States should concurrently adopt this definition domestically. Mr Burgess’s volume makes a hubristic error that can sometimes be discerned among those with little practical experience in formulating policy or undertaking the dirty work of combating terrorism: it offers a somewhat clever re-conceptualisation of the problem, and poses its central idea as a panacea with little regard for practicalities.

Mr Burgess makes two basic arguments: that piracy is terrorism, and terrorism is piracy. While this may seem circular, he in fact argues for a new definition of the crime of terrorism that encompasses acts of piracy, and provides a model statute that draws heavily from the 1982 UN Convention on the Law of the Sea.

There are indeed strong parallels between piracy and terrorism that can be discerned from piracy’s long history. Pirates were the original non-state

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actors to not only challenge the nations of the world, but to in fact declare “war on the whole world,” in the memorable words of Captain Charles Bellamy. Far from the romanticised notion of pirates that popular culture has helped foster in the current age, pirates used savagery and terror as a tool of this warfare. As one modern commentator has written: “Not only did they seize ships and all persons and property aboard, not only did they murder, rob, and rape, but they also did so by creating fear and panic among their intended victims and seafarers everywhere.” Because of pirates’ avowed opposition to civilised society and the tactics they employed, various ancient civilisations embarked on wars to try to eradicate them: these include Crete, Athens, and the Roman Republic. Over time, pirates were declared to be *hostis humani generi* (enemies of mankind), and the legal doctrine of universal jurisdiction (holding that pirates “could be seized anywhere they were found, by anyone that found them”) was developed to deal with the unique scourge of piracy.

Clearly, important lessons and precedents from the history of piracy can be applied to the problem of modern terrorism. But Mr Burgess goes beyond this and argues that terrorism should be legally defined to be the same as piracy. He writes that the three elements of terrorism and piracy—the *mens rea*, or state of mind, the *actus reus*, or act, and the *locus*, or venue—are in fact identical:

The *mens rea* of piracy is the desire to inflict death, destruction or deprivation.... Second, the *actus reus* of piracy, which includes acts of homicide and destruction absent actual robbery, is synonymous with the *actus reus* of most forms of modern terrorism. Third, the *locus* of piracy, while traditionally confined to the high seas or other territories outside state jurisdiction, has been expanded to include acts of piracy committed on state territory “by descent from the sea”; a provision which ... may likewise apply to nearly all acts of terrorism.

Mr Burgess poses three major reasons that defining terrorism as piracy would constitute a great leap forward: it would grant states universal jurisdiction to apprehend terrorists, reverse many of the human rights problems that have arisen, and bring greater legitimacy to the fight against terrorists by depoliticising questions of how to

define terrorism. None of these rationales withstand scrutiny, and the first two points—that defining terrorism as piracy will allow greater apprehension of terrorists while safeguarding rights—are in fact contradictory.

When Mr Burgess argues that defining terrorism as piracy will enhance states’ jurisdiction, his argument is marred by a failure to argue concretely. He

correctly notes that nation-states are understood as having universal jurisdiction to capture pirates, but does not provide a single example of how placing terrorism under the umbrella of piracy would allow arrests that cannot take place at present. He does reason: “If we [the United States] present ourselves as good faith partners in the fight

Because of pirates’ avowed opposition to civilised society, various ancient civilisations embarked on wars to try to eradicate them

to rid the world of an international scourge, the combined effort of the US and her allies may compel otherwise hostile states to relinquish the terrorists within their borders.” Without denying the importance of principled action, this is the ultimate in pie-in-the-sky logic. Does Mr Burgess actually believe that defining terrorism as piracy will convince states like Iran and Syria to relinquish the terrorists within their borders, and stop offering safe haven to Islamist insurgents?

Similarly, Mr Burgess points out that under the current US criminal code, there is no separate crime of terrorism. To be prosecuted, terrorists must have committed enumerated offences: they cannot be tried simply for belonging to a terrorist organisation. But Mr Burgess again fails to show a single case where a member of a terrorist organisation was not prosecuted, to the detriment of security, because he had not committed any offences. Though there have certainly been American trials where membership charges could have been brought in addition to conspiracy or material support charges, the

**The World For Ransom:
Piracy Is Terrorism,
Terrorism Is Piracy**
by Douglas R Burgess, Jr
Prometheus Books,
May 2010, 265 pages

advantage to having these additional charges is unclear. Moreover, this legal problem is not universally shared. India's Prevention of Terrorism Act (POTA) 2002 criminalised membership in a terrorist organisation; Australia, Britain, Germany, and Italy, among others, have brought prosecutions for membership in a terrorist organisation within the past three years.

Yet a bigger problem with Mr Burgess's claim that defining terrorism as piracy will allow more aggressive pursuit and prosecution of terrorists is that it contradicts the second purported advantage of the definition, that it is protective of individual rights. In part, this contradiction stems from his sweeping claims of the repugnancy and illegality of the United States' anti-terrorism policy since 9/11. He writes that the US "captured men and women and held them prisoner in camps outside of American legal jurisdiction. It engaged in acts of brutality, humiliation, and outright torture against those it believed—rightly or wrongly—participated in terrorist crimes."

Leaving aside the question of whether Mr Burgess is right in this portrayal of the reaction to 9/11, if one believes that the country descended to this level of barbarism, his redefinition of terrorism as piracy is a prescription for more rather than fewer abuses. He writes that what is currently lacking in US law is the statement "that terrorists are *hostis humani generi*"—enemies of mankind, as pirates have come to be defined under international jurisprudence. But is doing so a prescription for protecting the rights of those accused of being terrorists, or will it produce a greater likelihood of abuses? Moreover, he writes that "the classification of terrorists as enemies of the human race gives legal credence to *almost any action* undertaken to capture them, at home or abroad, under the doctrine of universal jurisdiction" (emphasis added). There is a real tension between security and civil liberties: while a few rare measures can legitimately enhance both, one should be sceptical of grandiose claims like Mr Burgess's that a legal innovation can protect civil liberties while massively increasing the leeway afforded to states in their policing efforts.

Mr Burgess does argue that the definition of terrorism as piracy will protect the accused because "[i]f the US gives a legal definition to terrorism, it is obligated to prove that the suspects it captures fit that definition." But since the Supreme Court's landmark 2008 *Boumediene v. Bush* decision, detainees at the Guantánamo Bay facility have been afforded increasing rights of judicial review; Mr Burgess never specifies how defining them as pirates will be more protective of their rights. Moreover, defining someone as

a terrorist/pirate is not clear-cut. Creating a status offence (being able to prosecute someone for *being* a terrorist, rather than committing terrorist acts) where it did not previously exist may well create more potential for abuse.

The final purported advantage to defining terrorists as pirates—that it depoliticises the concept of terrorism—is the most implausible. It is true that there is no internationally-recognised definition of terrorism, but this is neither for lack of effort nor because previous attempts have been disingenuous. Instructive in this regard is the draft of a UN Comprehensive Anti-Terrorism Convention produced by members of the General Assembly's Sixth (Legal Affairs) Committee in 2005-06. Victor Comras has noted that the Organisation of the Islamic Conference (OIC) had specific objections to the draft, including an insistence "on additional language in the treaty that could be interpreted as exempting

Defining terrorism as piracy massively expands the number of enemies that are seen as a part of the fight.

armed resistance groups involved in so-called 'struggles against colonial domination and foreign occupation,'" as well as a desire for the convention to "specifically cover the activities of regular armed forces." Because he fails to situate his proposed terrorism law within extant debates, Mr Burgess can provide no assurance that it brings us closer to an international consensus on this vexing question.

Moreover, this is another area where Mr Burgess is hampered by arguing in the abstract. He writes frequently of "legitimacy": that US anti-terror efforts have not been perceived as legitimate by other countries, and this is harming the broader mission. But what has been hampered, specifically, and how will this redefinition improve co-operation? Will defining terrorism as piracy improve international anti-money-laundering efforts or facilitate intelligence sharing that does not exist at present? While pundits often argue in generalities about concepts such as "international legitimacy," doing so is less excusable in Mr Burgess's case, since it is one of his book's central arguments.

Mr Burgess's conclusion, entitled "A Message for the

President,” argues that the terrorism-as-piracy framework can help to produce victory against the terrorists. “Victory is possible,” he writes. “Indeed it is certain, once we are willing to recognise the nature of what we are fighting.”

Though this may surprise some lawyers, a good legal definition of terrorism is not central to defeating al-Qaeda. Far more important than the definition attorneys employ is the way strategists understand the scope of the conflict—yet on a strategic level, Mr Burgess’s definition is unsuitable. Rather than allowing strategists to focus on central goals,

defining terrorism as piracy massively expands the number of enemies that are seen as a part of the fight against transnational terrorism—encompassing not only jihadi groups, but also Latin American narco-terrorists, pirates in the Indian Ocean and Strait of Malacca, and still others.

Clarity is surely necessary in the fight against terrorism. But the central flaw of *The World for Ransom* is that in its search for clear thinking, its efforts only produce greater confusion. ■

In Parliament: Continued from Page 32

hearing appeals against the decisions of state tribunals, will adjudicate disputes between an educational institution and a statutory regulator, and affiliation issues when it involves parties in more than one state.

Quo vadis?

Higher education faces supply constraints, quality issues, flexibility for students and lack of a thriving research environment. Public universities need to be strengthened and expanded and private investment incentivised. The shortage of qualified teachers needs to be addressed by strengthening doctoral programmes. Competition

amongst universities should be encouraged—after all, the main currency of any university is its reputation and intellectual influence—and they should be allowed sufficient autonomy and independence in developing programmes, selecting students and appointing faculty. There should be mechanisms for ensuring transparency about the quality of courses, and the costs of pursuing them. And the structure needs to be inclusive, in the sense that any aspiring student should not be denied opportunity on the basis of economic or identity status. The big question is whether the proposed structure—as defined by these five Bills—address these issues adequately. ■

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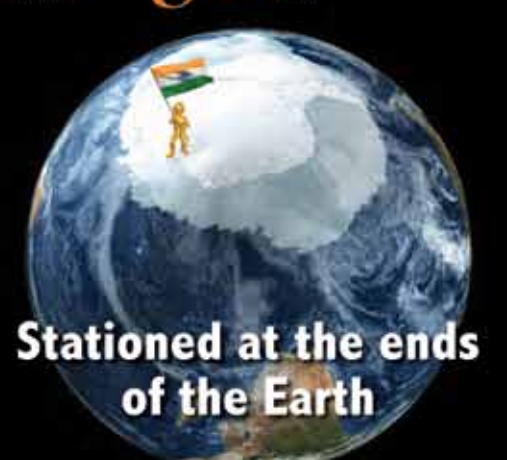


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